

REMARKS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicants' Claim for Priority and receipt of the certified copy of the priority document, and for the acknowledgment of Applicants' Information Disclosure Statements by return of the Forms PTO-1449.

Upon entry of the above amendment, claims 1, 3, and 6 will have been amended; and newly presented claims 7-12 will have been added. Accordingly, claims 1-12 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections and allowance of claims 1-12 in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

The Examiner has rejected claims 1 and 3-6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants respectfully submit that in view of the herein contained amendments and remarks, the basis for such rejection is no longer appropriate and Applicants thus respectfully request reconsideration and withdrawal of the rejection of claims 1 and 3-6 under 35 U.S.C. § 112, second paragraph.

The Examiner has rejected claim 1 under 35 U.S.C. § 112, second paragraph, as failing to clearly set forth the "frame". In particular, the Examiner has taken the position that it is not clear whether the "frame" set forth in line 11 refers to the previously recited frame or a new frame. Further, the Examiner has rejected claims 1 and 3 as lacking proper antecedent basis for the "frame". In response thereto, Applicants have amended claims 1, 3, and 6, to more clearly define the "frame", as suggested by the Examiner.

Accordingly, in view of the above noted amendments and remarks, claims 1 and 3-6 are believed to fully comply with 35 U.S.C. § 112, second paragraph, and Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under 35 U.S.C. § 112, second paragraph.

The Examiner has rejected claims 1, 2, 4, and 5 under 35 U.S.C. § 103(a) as being unpatentable over HAMAZAKI et al. (JP 11-354089) in view of MASUMOTO et al. (U.S. Patent No. 6,861,821).

However, Applicants note that MASUMOTO et al. (U.S. Patent No. 6,861,821) does not qualify as prior art against the present application for purposes of a rejection under 35 U.S.C. § 103(a) due to common ownership with the present application. See 35 U.S.C. § 103(c). It is noted that the MASUMOTO et al. patent issued on March 1, 2005. The 35 U.S.C. § 119 priority date of the present application is January 20, 2004 and the international filing date of the present application is January 18, 2005. Therefore, it appears that the MASUMOTO et al. patent was applied in the Official Action as a 102(e)/103 reference.

As pointed out above, the MASUMOTO et al. patent is not available for use as prior art against the present application for purposes of a rejection under 35 U.S.C. § 103(a) due to common ownership. Present Application No. 10/574,349 and the MASUMOTO et al. patent, U.S. Patent No. 6,861,821, were, at the time the invention of the present Application No. 10/574,349 was made, owned by PANASONIC CORPORATION (by change of name formerly MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.). It is noted that an assignment of the MASUMOTO et al. invention to MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD. was recorded in Application No. 10/343,299 on February 24, 2003 at Reel 013776, Frame 0503. It is further noted that an Assignment of the invention of the present Application No. 10/574,349 to

MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD. was recorded on April 24, 2008 at Reel 020857, Frame 0612; and a change of name of the assignee of the present Application No. 10/574,349 to PANASONIC CORPORATION was recorded on October 1, 2008 at Reel 021835, Frame 0421. Therefore, the rejection of claims 1, 2, 4, and 5 under 35 U.S.C. § 103(a) over HAMAZAKI et al. in view of MASUMOTO et al. is at least improper due to the unavailability of the MASUMOTO et al. patent as prior art. Accordingly, the withdrawal of such rejection is respectfully requested.

Applicants submit that dependent claims 3-6, which are at least patentable due to their dependency from claims 1 and 2 for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record based on the additionally recited features.

Applicants submit that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in newly submitted claims 7-12.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections, and an early indication of the allowance of claims 1-12.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present amendment is proper and that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in claims 1-12.

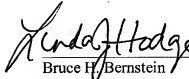
Accordingly, consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present amendment and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Any amendments to the claims which have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,
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